

## REMARKS

Claims 1-8, 12-19 and 23-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Khan reference in view of the Ficco reference further in view of U.S. Patent No. 6,282,353 to Clark. The method of claim 1 calls for aggregating information from two or more web sites on a client and automatically transferring information to a wireless device at the predetermined time from two or more web sites in a single connection session.

The Examiner admits that neither the Khan reference nor the Ficco reference explicitly disclose automatically transferring information to a wireless device at a predetermined time from two or more websites in a single connection session. The Examiner cites column 4, lines 23-62, in the Clark reference as teaching this limitation.

The Examiner claims that Clark teaches sending image and other data in what Clark calls a single signal connection. See Clark, column 4, lines 59-62. The Examiner then suggests that it would be obvious to combine Clark with Khan and Ficco “because data transferring in a single connection saves data transmitting time and cost in a wireless communication system.” See office action on page 4.

The problem is that the rationale to combine is concocted entirely by the Examiner without any basis within the references themselves. Clark teaches nothing about a wireless system or that a single connection would “save data transferring time and cost” in a wireless communication system. Certainly, Ficco and Khan teach no such thing since even the Examiner concedes that he had to get this from Clark.

Thus, the reliance on Clark, which is simply a wire splicing patent to teach the advantages of aggregating information from different websites and transferring that data in a single connection is no where suggested in the cited art.

The rationale to combine the references must come from the prior art, not from the Examiner with the benefit of hindsight. Absent a rationale from within the art, a *prima facie* rejection is not made out.

Therefore, reconsideration of the rejection of claim 1 is respectfully requested.

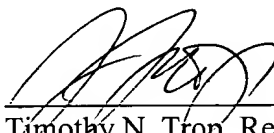
Claim 7 corresponds to an article claim of independent claim 1 and independent claim 23 corresponds to a system claim of independent claim 1. For the same reasons as set forth above in the context of claim 1, the Applicant respectfully submits that both the independent claims 7 and 23 and their respective dependent claims are in condition for allowance. The Examiner is respectfully requested to consider all pending claims.

In view of these remarks, the application is now in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested.

Respectfully submitted,

Date: \_\_\_\_\_

4/23/04



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